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1200 TN 366
9/22/94

1. **AUTHORITY.** To carry out the following functions pursuant to Section 5(e) of the Toxic Substances Control Act (TSCA):

1. To issue, modify or revoke proposed or final orders prohibiting or limiting the manufacture, processing, distribution in commerce, use and/or disposal of new chemical substances when available information is insufficient to permit a reasoned evaluation of their health and environmental effects [section 5(e)(1)(A)].
2. To notify in writing, on or before the issuance of a proposed order, each manufacturer or processor of the substance of the reasons for the proposed order [Section 5(e)(1)(B)(ii)].
3. To apply, through attorneys of EPA, for a court injunction if a proposed order is not issued under Section 5(e)(1)(A) or if a proposed order is issued but does not take effect because objections were filed by the manufacturer or processor [section 5(e)(2)(A)(I)].
4. To determine whether to apply for a court injunction under Section 5(e)(2)(A)(I) [section 5(e)(2)(A)(ii)].
5. To apply to the court, through EPA attorneys, to issue a temporary restraining order or preliminary injunction pending the completion of a proceeding for the issuance of an injunction [section 5(e)(2)(C)].
6. To determine whether test data submitted under a court injunction are sufficient to evaluate the health and environmental effects of the chemical substance subject to the injunction [section 5(e)(2)(D)].

2. **TO WHOM DELEGATED.** Assistant Administrator for Prevention, Pesticides and Toxic Substances.

3. **AGENCYWIDE REVIEW.**

1. A Section 5(e) Agencywide workgroup will participate in developing proposed Section 5(e) orders. The workgroup will represent each Assistant and Associate Administrator's Office and the Office of General Counsel.
2. Draft Section 5(e) proposed orders will be given to all interested Assistant and Associate Administrators' Offices and the Office of General Counsel two weeks before being issued by the Assistant Administrator for Prevention, Pesticides and Toxic Substances. During this period, each Office may bring any concerns it might have to the attention of the Assistant Administrator for Prevention, Pesticides, and Toxic Substances.

4. **LIMITATIONS.** If any Assistant or Associate Administrator or the General Counsel objects to any proposed order and the Assistant Administrator for Prevention, Pesticides and Toxic Substances is unable to resolve the issue with the respective Assistant or Associate Administrators or General Counsel, such authority may be exercised by the Administrator.

5. **REDELEGATION AUTHORITY.** This authority may be redelegated to the Division Director level and may not be redelegated further.

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